IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

RP.No. 791 of 2007(K)

AGAINST THE JUDGEMENT/ORDER IN WPC.19850/2003 Dated 05/10/2006

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REVIEW PETITIONER/PETITIONER

V.K.IBRAHIM,
THOPPIL HOUSE, ELOOR NORTH, UDYOGAMANDAL P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REP. BY
THE SECRETARY, LABOUR AND REHABILITATION (S)
DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, PALARIVATTOM, KOCHI-682 025.

3. THE DEPUTY TAHSILDAR (R.R.),
NORTH PARAVUR, ERNAKULAM DISTRICT.

4. THE VILLAGE OFFICER,
ELOOR VILLAGE, ERNAKULAM DISTRICT.

R2 BY ADV. SRI.P.RAMAKRISHNAN
R1, 3&4 BY GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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R.P. No.791 of 2007 in
W.P.(C) No.19850 of 2003

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Dated this the 19th day of November, 2007.

ORDER

Review is filed on the ground that petitioner's request for an opportunity of raising objection against the demand of Motor Transport Workers Welfare Fund dues was denied by the appellate authority and this court has not considered the same. Even though this court called for records, Standing Counsel stated that records are not available. However, it is conceded on behalf of the Executive Officer-second respondent that petitioner had in fact filed objection and the same was not considered because it was filed beyond the time granted for filing objections. I do not find any justification for the Executive Officer to ignore the objection available in the file when the adjudication order was passed. Therefore, obviously there is violation of natural justice in as much as objection filed and that was available at the time of adjudication was not considered. In the circumstances, review is allowed vacating the orders of the appellate authority and that of the Executive Officer with direction to the second respondent to consider petitioner's objection, give opportunity to the

petitioner and pass fresh orders within three months from now. The judgment will stand modified as above.

C.N.RAMACHANDRAN NAIR
Judge

pms